

**AN ORDINANCE GRANTING AN AMENDMENT TO AN EXISTING  
SPECIAL USE PERMIT ALLOWING FOR THE CONSTRUCTION OF A  
THREE SEASON ROOM ONTO THE RECTORY LOCATED AT 337 RIDGE ROAD**

**WHEREAS**, Section 5-10-7 of the Zoning Code of the Village of Barrington Hills ("Village") authorizes the Village Zoning Board of Appeals ("ZBA") to recommend, and the Board of Trustees to approve, special uses within the zoning districts of the Village; and

**WHEREAS**, St. Mark's Episcopal Church ("Applicant") applied for the grant of an amendment of an existing Special Use Permit to allow for the construction of a 16 x 17 foot three season room onto the existing rectory at 337 Ridge Road ("Property"), which Application is on file with the Village's Building Department as of the date of hearing; and

**WHEREAS**, commencing on February 17, 2016, and continuing to April 17, 2016, the ZBA, with five members present and voting on this matter, held public hearings on the application for the amendment to the Special Use Permit, prior to which time all notice of the public hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall, and individual notice was provided to all property owners within two hundred fifty feet (250) of the Property, as recorded in the most recent real estate tax records, and notice was properly posted on the Property; and

**WHEREAS**, Section 5-10-7(E) of the Village Zoning Code establishes standards which must be met before the ZBA may recommend approval of an amendment to a Special Use Permit; and

**WHEREAS**, at the close of the public hearing, the ZBA made all necessary findings of fact as to compliance with the standards set forth in Section 5-10-7(E) of the Village Zoning Code, and recommended on a 5 to 0 vote of the five members present and voting that an amendment to the Special Use Permit be granted, as are set forth in the Findings of Fact and Recommendations in Exhibit A attached hereto and incorporated herein by reference.

**NOW, THEREFORE, BE IT ORDAINED**, by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality the following:

**SECTION ONE:** The Special Use Permit is hereby amended to allow for the construction of a three season room onto the existing rectory, as detailed in revised plans submitted prior to the April 17, 2016 hearing, on the condition that the Applicant have its septic system inspected by a licensed septic system operator and submit such inspection to the Village, after three years of operation.

**SECTION TWO:** If any part or provision of this Ordinance shall be held or deemed invalid, such invalidity shall not have the effect of rendering another part or provision of this Ordinance invalid.

**SECTION THREE:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Ayes:      Nays:      Absent:

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 25<sup>th</sup> day of April, 2016.

APPROVED:

ATTEST:

\_\_\_\_\_  
Village President

\_\_\_\_\_  
Village Clerk

April 21, 2016

To: President and Board of Trustees  
Village of Barrington Hills

RE: Application for Special Use Permit Amendment  
For an Addition to the Existing Rectory  
St. Mark's Episcopal Church, 337 Ridge Road

This is to advise you that at a public hearing of the Zoning Board of Appeals ("ZBA") held at 7:30 P.M. commencing on Wednesday, February 17, 2016 and continuing to Wednesday, March 16, 2016 and Monday, April 18, 2016, in the MacArthur Room of the Village Hall, where a quorum was present on each date<sup>1</sup>, the ZBA considered the application of the St. Mark's Episcopal Church ("Applicant") for the grant of an amendment of an existing Special Use Permit to allow the construction of a three-season room at Countryside Elementary School, located at 337 Ridge Road ("Property"), identified as PINs 13-28-100-008.

Notice of the hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall. Proof of individual notice, by registered mail, return receipt requested, was submitted for all property owners within 250 feet as recorded in the office of the tax assessor of the appropriate township, and the notice of the hearing was properly posted on the Property.

The Applicant was represented at the public hearing by Gina Erdman, Director of Operations. Testimony relative to the amendment to the Special Use Permit was presented as follows.

### **FACTS**

St. Mark's Episcopal Church and associated rectory have been located at 337 Ridge Road since the early 1960s, their existence predating the Village's adoption of its Zoning Code. Upon adoption of the first Zoning Code, the use of the Property was as of right; as a result of amendments to the Zoning Code, the use, by operation of law, became legal by Special Use Permit. At the time of the adoption of the Zoning Code and Amendment, the floor area ratio of the property was 13,123. Current allowed floor area ratio is 10,213. In its Application, the Applicant sought an amendment to add a 17 x 16 foot three-season room to the rectory, as part of its ongoing improvements to the rectory. Ms. Erdman also presented information relative to the required findings of fact, as set forth in the Application.

Resident Pauline Boyle, who resides at 315 Ridge Road, testified in objection to the Application. Concerns raised by Ms. Boyle date back many years, and include allegations of faulty septic systems which have resulted in human fecal matter being deposited on her property, stormwater run-off flowing from the Applicant property to her own, and compliance with required floor area ratio calculations. In response, Ms. Erdman testified that the Applicant is installing a new septic system which will comply with all Village regulations. She also testified that to mitigate complaints of permeable space, the Applicant has determined to remove a patio from the proposed construction plan, and to simply construct the three-season room, a change which will result in negligible impact on stormwater run-off as a result. Ms. Erdman also testified to efforts being undertaken to renovate the rectory following "green" technology. Dan Strahan, the Village's Engineer, testified concerning the construction plan, and the existing use of the Property. He stated that the Property does drain to an historically existing depressional area which is shared by a number of properties. In the event of heavy precipitation,

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<sup>1</sup> Member Stieper recused himself from hearing the Application, and, for this reason, did not participate in the hearing or the discussion or voting on this Application.

stormwater does drain onto Ms. Boyle's property, as there is no run-off outlet. He commented that in his previous memorandum relative to the Applicant's proposal, he had recommended mitigation of the impervious area; however, since that time, the Applicant has changed it plan showing removal of the existing patio; therefore there will be no increase in run-off from the Property and mitigation is no longer needed. Notwithstanding this, the Applicant is installing a dry well on the Property to handle rain water.

The Board spent considerable time listening to the issues raised by Ms. Boyle and reviewing facts and evidence submitted in response, and determined that the septic system was of concern, but not relevant to the discussion of the amendment, and that stormwater issues appear either not directly related to the Applicant, or, if they are, will not be affected by the planned addition.

### **FINDINGS**

The ZBA, after having examined the facts as presented, and taking into consideration the testimony set forth during the public hearing, voted unanimously 5-0 (one recusal and one absent) to recommend approval of the Application for amendment to the Special Use Permit, finding that the facts set forth in the Application, and as testified to at public hearing, are sufficient for the approval of the grant of the amendment to the Special Use Permit, those facts being:

#### **Standards for Special Use Permit:**

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

**The establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals or comfort or general welfare; because it will not alter the use of the home.**

2. That the special use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish property or impair property values within the neighborhood.

**The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood and described screened porch is similar to others in the neighborhood, is in keeping with the conservative size of the home and will not be in the view of any other neighboring homes.**

3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

**The establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the District; and will not be an eyesore because it doesn't differ.**

4. That adequate utilities, access roads, drainage and/or other facilities have been or are being provided.

**Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided; and will not affect any existing utilities. All of the building codes and requirements will be addressed. No change will be necessary to the surrounding roads, utilities, drainage or other facilities.**

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads.

**Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided; and will not affect any existing utilities. All of the building codes and requirements will be addressed. No change will be necessary to the surrounding roads, utilities, drainage or other facilities.**

6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the board of trustees pursuant to the recommendations of the zoning board of appeals.

**Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public streets and roads; and will impact property only. The Special Use shall in all other respects conform to the applicable regulations of the District in which it is located, except as such regulations may in each instance be modified by the Board of Trustees pursuant to the recommendation of the Zoning Board of Appeals. The only modified condition is setback and we are keeping the existing driveway as it has been for the last 50 years the home has been in existence without any issues.**

**Additionally, the ZBA determined that fact number 5 is not relevant to discussion of the amendment; and as to fact number 6, the Applicant's current floor area (which in excess of that allowed under the Zoning Code) is grandfathered, and that the addition of the sunroom is de minimus, and to the extent the construction of the sunroom is coupled with the renovations being made to the structure, it is a step forward.**

### **RECOMMENDATION**

The Zoning Board of Appeals recommends that the Village Board approve the request for the amendment to the existing Special Use Permit to allow the construction of the 16 x 17 foot three season room on plans as modified prior to the April 17, 2016 hearing date, on the condition that the Applicant have its septic system inspected by a licensed septic system operator and submit such inspection to the Village, after three years of operation.

Respectfully submitted,

Zoning Board of Appeals  
Village of Barrington Hills